

GAHC010177532023



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/455/2023

AMAL KUMAR DAS
S/O LATE KRIPA RAM DAS, VILL. AND P.O. KARIA, DIST.- NALBARI,
ASSAM, PIN- 781339.

VERSUS

JATINDRA NATH DEKA AND 3 ORS. B
S/O LT. BHOBAN CHANDRA DEKA, R/O. VILL. JAPARKUCHI, P.O.
CHOWKBAZAR, DIST.- NALBARI, ASSAM, PIN- 781334.

2:THE DIRECTOR OF SECONDARY EDUCATION

ASSAM
KAHILIPARA
GUWAHATI- 19.

3:THE INSPECTOR OF SCHOOLS

NALBARI DISTRICT CIRCLE
NALBARI
ASSAM
PIN- 781339.

4:THE STATE OF ASSAM
REP. BY THE SECRETARY TO THE GOVT. OF ASSAM
SCHOOL EDUCATION DEPTT.
DISPUR
GUWAHATI- 6

Advocate for the Petitioner : MR. K KALITA

Advocate for the Respondent : SC, SEC. EDU.

**BEFORE
HONOURABLE THE CHIEF JUSTICE
HONOURABLE MR. JUSTICE SUMAN SHYAM**

ORDER

27.05.2024

(Vijay Bishnoi, CJ)

This Writ Appeal is filed by the appellant being aggrieved with the order dated 22.02.2023 passed by the learned Single Judge in WP(C) No.1048/2019 whereby the learned Single Judge has directed the Director of Secondary Education, Assam to determine the question of seniority of the appellant vis-à-vis the respondent No.4 within a stipulated time. While issuing such direction the learned Single Judge has posted the WP(C) No.1048/2019 after eight weeks. Learned counsel for the appellant has submitted that pursuant to the direction given by this Court, the Director of Secondary Education, Assam has already decided the question regarding the seniority of the appellant and the respondent No.4 and being aggrieved with the same the appellant has preferred a separate writ petition being WP(C) No.6120/2023 before this Court which is pending adjudication.

Taking into consideration the fact that the question regarding the seniority of the appellant and the private respondent has already been determined by the Director of Secondary Education, Assam pursuant to the impugned order passed by the learned Single Judge, we do not find any live issue in this Writ Appeal and therefore, no further order is required to be passed. We also feel that since the question regarding the seniority of the appellant and the respondent No.4 has been determined by the Director of Secondary Education,

Assam, WP(C) No.1048/2019 has also become infructuous. In such circumstances, the Writ Appeal No.455/2023 and the WP(C) No.1048/2019 stand disposed of as infructuous.

However, the writ petition being WP(C) No.6120/2023 is required to be decided by the learned Single Judge on its own merit without being influenced by the impugned order passed by the learned Single Judge which is under challenge in this Writ Appeal.

JUDGE

CHIEF JUSTICE

Comparing Assistant